

BARNES & THORNBURG LLP

11 South Meridian Street
Indianapolis, Indiana 46204

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Customer No.: 23643

Group: 3727

Confirmation No.: 1879

Application No.: 10/537,426

Invention: SUITCASE

Applicant: Sedat Selvi

Filed: June 2, 2005

Attorney

Docket: 38566-77784

Examiner: Unknown

Certificate Under 37 CFR 1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on October 31, 2005

(Signature)

Karen Taylor
(Printed Name)

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

This statement is filed in the application identified above pursuant to 37 C.F.R. § 1.56. In accordance with 37 C.F.R. § 1.98(a)(2), no copies of the cited U.S. references are provided. No representation is intended that a complete search has been made of the prior art or the litigation materials generated during the course of litigation, or that prior art references or litigation materials other than those listed on the attached forms are not available. The citation of these references and litigation materials shall not be construed to be an admission that the information cited in the statement is considered material to patentability of the subject invention.

Under MPEP § 2001.06(c), “where the subject matter for which a patent is being sought is or has been involved in litigation, the existence of such litigation and any other material information arising therefrom must be brought to the attention of the Patent and Trademark Office.” The SUITCASE which is shown and described in the present patent application is also the subject of a trademark and trade dress lawsuit, *Landor & Hawa U.S.A., Inc., Landor & Hawa International, Ltd. v. Heys U.S.A., Inc., Heys International, Ltd.*, which was filed in United States District Court for the Southern District of Indiana, Indianapolis Division and assigned case number 05-cv-0962-LJM-WTL.

Under MPEP § 2001.06(c), “[e]nough information should be submitted to clearly inform the Office of the nature of these issues so that the Office can intelligently evaluate the need for asking for further materials in the litigation.” The complaint in this lawsuit was filed on June 27, 2005 and, other than the complaint, no further pleadings, motions, or other documents regarding the substantive merits of the case have been filed. A trial has not yet taken place. A copy of the complaint is submitted with this Supplemental Information Disclosure Statement and is listed on the attached PTO 1449 form as item AT. The lawsuit does not currently involve any U.S. patents.

According to MPEP § 2001.06(c), “[e]xamples of such material information include evidence of possible prior public use or sales, questions of inventorship, prior art, allegations of “fraud,” “inequitable conduct,” and “violation of duty of disclosure.” Further according to MPEP § 2001.06(c), “[a]nother example of such material information is any assertion that is made during litigation which is contradictory to assertions made to the examiner. *Environ Prods., Inc. v. Total Containment, Inc.*, 43 USPQ2d 1288, 1291 (E.D. Pa. 1997).” At the present time, no information which falls into any of the above-listed categories has been identified in the present litigation. Furthermore, because the lawsuit relates to trademark and trade dress infringement, it is believed that

it is unlikely that information arising in connection with this lawsuit will bear upon any of the above-listed categories. However, if such material information should arise during the course of litigation, it is our intention to provide that material information to the U.S. Patent & Trademark Office in subsequent Supplemental Information Disclosure Statements.

None of the prior art listed on the attached PTO Form 1449 is believed to disclose or suggest the invention recited in the claims of the above-identified application. It is therefore believed that the claimed invention is patentably distinguishable over these references

Please charge any fees that might be due in connection with this Information Disclosure Statement to Deposit Account No. 10-0435, with reference to attorney docket number 38566-77784.

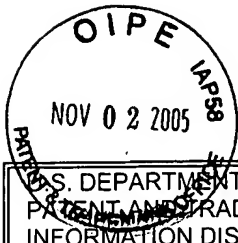
Respectfully submitted,

BARNES & THORNBURG LLP



Ronald S. Henderson
Registration No. 43669

RSH/kt
Indianapolis, Indiana 46204
(317) 231-7341
INDS02 766459



Sheet 1 of 1

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE INFORMATION DISCLOSURE STATEMENT	ATTY. DOCKET NO. 38566-77784	SERIAL NO. 10/537,426
	APPLICANT Sedat Selvi	
	FILING DATE June 2, 2005	GROUP 3727

UNITED STATES PATENT DOCUMENTS

*Examiner Initial		Document Number	Date	Name	Class	Subclass	Filing Date if Appropriate
	AA	4,128,150	05 Dec 1978	Popkin et al.			
	AB	5,358,082	25 Oct 1994	Armstrong, IV			
	AC	5,671,831	30 Sep 1997	Chiu			
	AD	6,305,513	23 Oct 2001	Lu			
	AE	6,390,259	21 May 2002	Lu			
	AF	6,408,997	25 Jun 2002	Chen			
	AC	6,533,087	18 Mar 2003	Chen			
	AH	6,575,272	10 Jun 2003	Krulik et al.			
	AI	6,591,950	Scicluna	15 Jul 2003			
	AJ	6,595,354	Scicluna	22 Jul 2003			
	AK	6,609,598	Hsu	26 Aug 2003			
	AL	2002/0130004	Lin	19 Sep 2002			
	AM	2002/0185350	Chang et al.	12 Dec 2002			
	AN	2003/0000784	Hsu	02 Jan 2003			
	AO	2004/0035661	Krulik et al.	26 Feb 2004			
	AP	2005/0067244	Smith et al.	31 Mar 2005			

FOREIGN PATENT DOCUMENTS

		Document Number	Date	Country	Class	Subclass	Translation Yes No
	AQ						
	AR						
	AS						

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

	AT	Complaint, Landor & Hawa U.S.A., Inc. and Landor & Hawa International, Ltd. vs. Heys U.S.A., Inc. and Heys International, Ltd., U.S. District Court for the Southern District of Indiana, Indianapolis Division, Case No. 05-cv-0962-LJM-WTL
	AU	
	AV	
	AW	
	AX	

Examiner	Date Considered
----------	-----------------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609.
Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.